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Remarks

The Office Action dated October 8, 2003 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1, 4-11, 13-33, and 35 are pending in this application. Claims 1-34 stand rejected. Claims 2, 3, 12, and 34 have been cancelled. Claim 35 is newly added.

In accordance with 37 C.F.R. 1.136(a), a two month extension of time is submitted herewith to extend the due date of the response to the Office Action dated October 8, 2003, for the above-identified patent application from January 8, 2004, through and including March 8, 2004. In accordance with 37 C.F.R. 1.17(a), authorization to charge a deposit account in the amount of \$210.00 to cover this extension of time request is submitted herewith.

Applicant acknowledges the renumbering of originally numbered Claims 18-36 to renumbered Claims 16-34. Applicant has amended these claims to correct the dependency of the renumbered claims.

The objection to the specification under 37 CFR 1.71 is respectfully traversed.

Applicant respectfully submits that the described S-shaped valve includes a cover that swivels between closed and open positions. In the open position, air and water is permitted to flow through the S-shaped valve and in the closed position air and water cannot flow through the S-shaped valve (see page 11, lines 9-20). Accordingly, Applicant submits that the specification provides a full, clear, concise, and exact description of the invention.

For the reasons set forth above, Applicants respectfully request that the objection to the specification be withdrawn.

The rejection of Claims 1-15, 17, and 28-31 under 35 U.S.C. § 112, second paragraph, is respectfully traversed.

In regard to Claims 1, 8, 17, 28, and 29, Applicant respectfully submits that the S-shaped valve includes a cover that swivels between closed and open positions. In the open position, air and water is permitted to flow through the S-shaped valve and in the closed position air and water cannot flow through the S-shaped valve (see page 11, lines 9-20).

Claims 2 and 3 have been canceled.

Claim 5 has been amended to recite "a second cover for enclosing said cover and said S-shaped valve".

Claim 12 has been canceled.

At least for the reasons set forth above, Applicant respectfully submits that Claims 1-15, 17, and 28-31 are definite and particularly, point out and distinctly claim the subject matter which Applicant regards as his invention.

For the reasons set forth above, Applicants respectfully request that the Section 112 rejection of Claims 1-15, 17, and 28-31 be withdrawn.

The rejection of Claims 1-31 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-31 of U.S. Patent No. 6,350,124 is respectfully traversed.

Applicant respectfully submits that Claims 1-31 of the present application have not been finalized because there has been no indication that these claims contain allowable subject matter. As such, Applicant submits that the obvious-type double patenting rejection is only a provisional rejection. Accordingly, Applicant respectfully requests that the obvious-type double patenting rejection of Claims 1-31 be withdrawn at this time.

The rejection of Claims 16, 20, 21, 22, and 26 under 35 U.S.C. § 102(b) as being anticipated by Geller (US 4,693,871) is respectfully traversed.

Geller describes a single thermoplastic sheath that encloses a dental hand piece.

Claim 16 of the present application recites a dental system that includes a hand piece comprising a body, an inner cover having a shape substantially conforming to a shape of the hand piece body for enclosing the hand piece, and an outer cover having a shape substantially conforming to a shape of the inner cover for enclosing the inner cover.

Geller does not describe nor suggest a dental system as recited in Claim 16. Particularly, Gellar does not describe nor suggest an inner cover having a shape substantially conforming to a shape of the hand piece body for enclosing the hand piece, and an outer cover having a shape substantially conforming to a shape of the inner cover for enclosing the inner cover. Rather, Geller describes a single thermoplastic sheath that encloses a dental hand piece. Accordingly, Applicant submits that Claim 16 is patentable over Geller.

Claims 20-22 depend from independent Claim 16. When the recitations of dependent Claims 20-22 are considered in combination with the recitations of Claim 1, Applicant respectfully submits that Claims 20-22 likewise are patentable over Geller.

Claim 26 of the present application recites a method of protecting a dental hand piece from exposure to potentially hazardous materials during a dental procedure. The hand piece includes a body. The method comprising the steps of "enclosing the hand piece body with an inner cover having a shape substantially conforming to a shape of the hand piece . . . and enclosing the inner cover with an outer cover . . . ."

Geller does not describe nor suggest a method as recited in Claim 26. Particularly, Gellar does not describe nor suggest enclosing the hand piece body with an inner cover having a shape substantially conforming to a shape of the hand piece and enclosing the inner cover with an outer cover. Rather, Geller describes a single thermoplastic sheath that encloses a dental hand piece. Accordingly, Applicant submits that Claim 26 is patentable over Geller.

For the reasons set forth above, Applicant respectfully request that the Section 102(b) rejection of Claims 16, 20, 21, 22, and 26 be withdrawn.

The rejection of Claims 32 and 34 under 35 U.S.C. § 102(b) as being anticipated by Byer (US 5,310,341) is respectfully traversed.

Byer describes a barrier deflecting apparatus connected to a dental bur. The barrier and deflecting apparatus includes bushing having a bore and a circular flange extending outwardly from the upper periphery of the bushing. Blades extend down from the flange.

Claim 32 of the present application recites a bur assembly for use with a dental hand piece that includes a dental bur and a splash guard coupled to the dental bur. The splash guard "comprising an inner surface; an outer surface; an inner aperture; and a plurality of fins extending from said inner surface to said inner aperture".

Byer does not describe nor suggest a bur assembly as recited in Claim 32. Particularly, Byer does not describe nor suggest a splash guard that includes a plurality of fins extending from the inner surface of the splash guard to the inner aperture of the splash guard. Rather, Byer describes blades extending down from the flange of the barrier apparatus. Accordingly, Applicant submits that Claim 32 is patentable over Byer.

Claim 34 has been canceled.

For the reasons set forth above, Applicant respectfully requests that the Section 102(b) rejection of Claims 32 and 34 be withdrawn.

The rejection of Claim 33 under 35 U.S.C. § 103(a) as being unpatentable over Byer (US 5,310,341) in view of Sutter et al. (US 5,078,605) is respectfully traversed.

Applicant notes that after the renumbering of the claims, the application did not include a Claim 35. Applicant believes this rejection meant to refer to renumbered Claim 33 and has proceeded as such.

As explained above, Byer does not describe nor suggest a bur assembly as recited in Claim 32. Accordingly, Claim 32 is patentable over Byer.

Sutter is cited for teaching a sleeve attached to a dental bur via a notch. Sutter is not cited for, and does not teach, a bur assembly that includes a splash guard that includes a plurality of fins extending from the inner surface of the splash guard to the inner aperture of the splash guard.

Byer and Sutter, alone or in combination, do not describe nor suggest a bur assembly as recited in Claim 32. Particularly, and at least for the reasons explained above, Byer and Sutter, alone or in combination, do not describe nor suggest a splash guard that includes a plurality of fins extending from the inner surface of the splash guard to the inner aperture of the splash guard. Accordingly, Applicant submits that Claim 32 is patentable over Byer and Sutter, alone or in combination.

Claim 33 depends from independent Claim 32. When the recitations of dependent Claim 33 is considered in combination with the recitations of Claim 32, Applicant respectfully submits that Claim 33 likewise is patentable over Byer and Sutter, alone or in combination.

For the reasons set forth above, Applicant respectfully requests that the Section 103(a) rejection of Claim 33 be withdrawn.

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In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Favorable action is respectfully solicited.

Respectfully submitted,

A handwritten signature in cursive script, reading "Michael Tersillo".

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